

NO. 22-CCV-070378

RICHARD P. JONES,
MICHAEL JOSEPH BITGOOD
A/K/A/ "Michael Easton", and
LEWIS, BRISBOIS, BISGAARD &
SMITH LLP, a Texas Domestic LLP
Plaintiffs

IN THE COUNTY COURT

VS.

AT LAW NO. THREE (3) OF

KARINA MARTINEZ,
MARIANNA SULLIVAN,
IMPERIAL LOFTS, LLC
DAVID OUBRE
CHINASA OGBUREKE &
LEWIS, BRISBOIS, BISGAARD &
SMITH LLP, a California Foreign LLP
Defendants

FORT BEND COUNTY, TEXAS

ORDER

At Richmond, Texas, in Fort Bend County, was heard the Plaintiffs' motion to show authority pursuant to Rule 12 T.R.C.P. The Plaintiffs' objections to the "affidavits" of Larson, Martinez, and Sullivan, are **SUSTAINED.**

The motion to show authority is **GRANTED**, David Oubre is removed as counsel in this case for Imperial Lofts LLC, Imperial Lofts Owner LLC, Madam Marianna Sullivan, and Karina Martinez. Mr. Oubre may continue to appear pro se at this time.

The Court **STRIKES** the pleadings of Imperial Lofts LLC, Imperial Lofts Owner LLC, Karina Martinez, and Madam Marianna Sullivan, and enters a default as prayed for on ^{LW} June 23rd 2022. The Court will conduct a hearing on damages on the 10TH day of NOVEMBER 2022, at 1:30 P.M. Counsel will file her affidavit on her reasonable and necessary attorney's fees for the Court's consideration. Upon entry of judgement against Madam Mariana Sullivan, Imperial Lofts LLC, Imperial Lofts Owner LLC, and Karina Martinez, the Plaintiffs may re-urge a severance.

The Court takes judicial notice of the contents of the Court's file, and takes judicial notice of the voluntary appearance of defendants, Oubre and LEWIS, BRISBOIS, BISGAARD & SMITH LLP, a California foreign LLP, on July 8th, 2022.

Entered by the Court on this 13th day of September, 2022, at Richmond, Fort Bend County, Texas.


Judge Presiding

FILED FOR RECORD
NO. _____ TIME 3:20 AM
P.M.

SEP 13 2022mm


County Clerk Fort Bend Co., Texas

CAUSE NO. 22-CCV-070378

RICHARD JONES ET AL.	§	COUNTY COURT AT LAW
	§	
VS.	§	NO. 3 OF
	§	
KARINA MARTINEZ ET AL.	§	FORT BEND COUNTY, TEXAS

ORDER TAKING JUDICIAL NOTICE

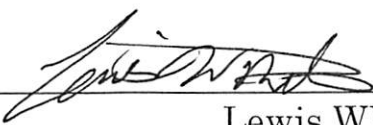
Pursuant to *Tex. R. Evid. 201*, and at the request of a party, the Court takes judicial notice of the following:

1. The contents of the Court's file;
2. Chapter 27 of the Tex. Civ. Prac & Remedies code in effect in 2022;
3. Texas Penal Code 42.07;
4. Texas Penal Code 37.10;
5. Texas Business and Commerce Code Sec. 71.202;.
6. Texas Business and Commerce Code Sec. 71.201;
7. Texas Business and Commerce Code Sec. 71.203;
8. *Texas Penal Code* Sec. 37.02;
9. Texas Penal Code Sec. 36.08;
10. Texas Penal Code Sec. 15.02;
11. Texas Penal Code Sec. 39.03;
12. Texas Penal Code Sec. 39.06;
13. The State Bar's Texas Rules of Professional Conduct;
14. Rule 13, of the Texas Rules of Civil Procedure;
15. Chapter 10, of the Texas Civil Practice & Remedies Code;
16. Chapter 11, of the Texas Civil Practice & Remedies Code;

EXHIBIT B

17. The Texas Rules of Evidence;
18. The docket in Imperial Lofts v. Richard Jones, No. 21-JEV41-11379;
19. 15 U.S.C. 116 -(THE CARES ACT);
20. The Tex. R. Civ. Proc. Rule 11 agreement dated April 26th 2022, between the parties and on file with this Court; and,
21. Texas Penal Code 7.02.

Signed this 13 day of September 2022, at Richmond,
Fort Bend County, Texas.



Lewis White
Presiding Judge


FILED FOR RECORD
NO _____ TIME 3:25 A.M.
SEP 13 2022 MM

County Clerk Fort Bend Co., Texas

EXHIBIT C

EXHIBIT A

NO. 22-CCV-070378

RICHARD P. JONES,	§	IN THE COUNTY COURT
MICHAEL JOSEPH BITGOOD	§	
A/K/A/ "Michael Easton", and	§	
LEWIS, BRISBOIS, BISGAARD &	§	
SMITH LLP	§	
<i>Plaintiffs</i>	§	
	§	
VS.	§	AT LAW NO. THREE (3) OF
	§	
KARINA MARTINEZ,	§	
MARIANNA SULLIVAN,	§	
IMPERIAL LOFTS, LLC,		
IMPERIAL LOFTS OWNER LLC	§	
DAVID OUBRE,	§	
LEWIS, BRISBOIS, BISGAARD &		
SMITH LLP, a California Foreign LLP		
<i>Defendants</i>		FORT BEND COUNTY, TEXAS

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This is a Rule 12, Tex. R. Civ. Proc. Motion, brought by the Plaintiffs' against David Oubre, and Lewis Brisbois, Bisgaard & Smith LLP, a California Foreign LLP.

On September 13th 2022, the Court conducted an evidentiary hearing, and now enters the following findings of fact and conclusions of law.

I. FINDINGS OF FACT

1. Lewis Brisbois, Bisgaard & Smith LLP, (California) and David

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EXHIBIT C

EXHIBIT A

Oubre, filed an answer for defendants' Martinez, Sullivan, and Imperial Lofts LLC, on March 11th 2022.

2. Lewis Brisbois, Bisgaard and Smith LLP, (California) lacked the authority to appear in a Texas Court on March 11th 2002, and by judicial admission admitted that they did not submit an application to do business in Texas until at least March 28th 2022.

3. At the evidentiary hearing, David Oubre failed to present any evidence whatsoever to overcome the sworn Rule 12 challenge, despite this Court inviting him repeatedly to do so; inviting him to put on testimonial evidence, or, to re-open after he had rested his case.

4. The only testimonial evidence put on at the hearing, was the sworn testimony of Plaintiff, Michael Joseph Bitgood, a/k/a/ Michael Easton, as the President of Lewis Brisbois, Bisgaard and Smith LLP, a domestic Texas LLP. Despite the extensive testimony and narrative of Mr. Easton, Mr. Oubre, did not cross-examine the Plaintiff on any of matters that Easton testified to. Thus, the Court credits Mr. Easton's testimony as credible and conclusive.

5. After Mr. Oubre rested his case, Easton asked the Court to take

judicial notice of the contents of the Court's file, which the Court did.

6. At no time during his case in chief, did Mr. Oubre ask the Court to take judicial notice of anything.

7. At no time during his case- in- chief did Mr Oubre mark or offer a single solitary exhibit.

8. At no time during his case-in-chief, did Mr. Oubre offer any witnesses, or offer any evidence of any kind.

9. At the close of his case-in-chief, the Court offered Mr. Oubre a chance to re-open; Mr. Oubre declined the Court's invitation, and told the Court that he had no witnesses.

II. CONCLUSIONS OF LAW

1. Lewis Brisbois, Bisgaard & Smith LLP, (California) and David Oubre failed to discharge their obligations under Rule 12.

2. The Court removed Lewis Brisbois, Bisgaard & Smith LLP, (California) and David Oubre from this case, and as mandated by law, and struck the pleadings filed by them as mandated by law.

3. The Court removed Lewis Brisbois, Bisgaard & Smith LLP, (California) and David Oubre because they failed to show authority to

EXHIBIT C

EXHIBIT A

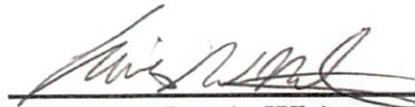
appear.

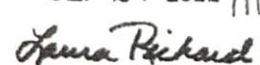
4. The Court articulated, very clearly, on the record, that it also sustained the alternative grounds under Rule 12, namely that Lewis Brisbois, Bisgaard & Smith LLP, (California), and David Oubre, could not represent a corporation under Texas law, and then represent additional parties .

5. The failure of Mr. Oubre to put on evidence to rebut everything the Court heard and took judicial notice of after he rested his case, was FATAL to his position, and left the Court with no other choice but to remove him, and his law firm, and to strike the pleadings.

6. Any finding of fact which may be deemed a conclusion of law is hereby adopted as such, and, any conclusion of law which may be deemed a finding of fact, is hereby adopted as such.

Signed this 27 day of September 2022, at Richmond, Fort Bend County, Texas.


Lewis White
Presiding Judge

FILED FOR RECORD
NO _____ TIME 2:00 P.M.
SEP 27 2022 mm

County Clerk Fort Bend Co. Texas

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